

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****REGION 8****999 18<sup>TH</sup> STREET - SUITE 300****DENVER, CO 80202-2466****Phone 800-227-8917****<http://www.epa.gov/region08>**

February 6, 2007

**BY FACSIMILE**

Samuel L. Blatnick, Esq.  
Kirkland & Ellis LLP  
200 East Randolph Drive  
Chicago, Illinois 60601

Re: Second Subpoena For Production of  
Documents - Max Dodson  
Case Number: 01-01139(JKF)

Dear Mr. Blatnick:

As I described in the two telephone messages I left you yesterday, EPA has accumulated all of the information requested in the Subpoena. The messages I left you concerned information about the Parker property. Since I have not heard from you, EPA awaits further information before proceeding on that property. CDM has sent you under separate cover (by overnight mail) the information that is described below. If a property is not specifically listed below, it means that there was no new information to update the prior Subpoena.

The information collected since the last request for information in September 2006 is discernable by the date within each of these files. The documentation is organized by property owner last name and address, and is inventoried on the attached table (Table 1). The updates are summarized as follows:

- The property at 188 Highwood Dr has undergone additional investigation.
- The property at 3696 W. 2nd St Ext has undergone additional investigation.
- The property at 94 Rainbow Ln has undergone additional investigation.
- The property at 1021 Main Ave has undergone additional investigation.
- The property at 208 W. Spruce St has undergone additional investigation.
- The property at 392 Garrison Rd was previously indicated as not been visited; however, some investigation has been performed at this property. This 2/5/07 update provides all currently available information for 392 Garrison Rd.
- The property at 420 Indian Head Rd has additional investigation following remediation activities.
- The property at 203 E. Spruce St has undergone remediation activities. Note that information for 206 E. Spruce St (another property owned by Mr. George Bauer) was



inadvertently provided in the 9/14/06 request. This 2/5/07 update provides all available information for 203 E. Spruce St.

- The property at 902 E. Lincoln Blvd has undergone remediation activities.
- The property at 416 W. 4<sup>th</sup> St has undergone remediation activities.
- The property at 609 E. 9<sup>th</sup> St has undergone remediation activities.

For each electronic property folder on the CD, documentation is organized as follows:

- Investigation – includes, as applicable, access agreements for investigation work, investigation field forms, log notes, and field sample data sheets.
- Sample Results – includes, as applicable, asbestos analytical results available as of February 3, 2007 in the Libby2 project database. Libby Amphibole (LA) asbestos bins, as seen in the soil results worksheet header, correspond to the following LA asbestos levels as measured by various polarized light microscopy (PLM) methods:
  - Bin A – non-detect
  - Bin B1 – trace (less than 0.2%)
  - Bin B2 – between 0.2 and 1%
  - Bin B – less than 1% (this bin associated with PLM-9002 and PLM-Grav only)
  - Bin C – 1% or greater
- Community Involvement – includes, as applicable, Superfund temporary relocation assistance forms and records of communication with property owners.
- Remediation – includes, as applicable, access agreements for remediation work, property-specific work plans, field log notes and sample data sheets for confirmation sampling, property closeout checklists, HEPA vacuum receipt forms, completion forms, and correspondence with property owners.
- Post remediation – includes, as applicable, interview forms, field log notes, and field sample data sheets.

With the exception of resolving your needs concerning the Parker property, the information you receive from CDM tomorrow morning should satisfy the Second Subpoena. If you have any questions, please call me at (303) 312-6853.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Cohn". The signature is fluid and cursive, with the first name "Matt" and last name "Cohn" clearly distinguishable.

Matthew Cohn  
Legal Enforcement Program

Enclosure

cc: Paul Peronard



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
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<http://www.epa.gov/region08>

FACSMILE COVER SHEET

To: Samuel Blatnick

Agency / Company: Kirkland + Ellis

City: \_\_\_\_\_

Fax Number: 312 / 861 / 2200 Phone Number: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Number of Pages (including Cover Sheet): 4

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From: Matt Cohn

Sender's Mail Code: \_\_\_\_\_

Sender's Phone: 303 / 312 / 6853

Comments in Brief: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Sent: \_\_\_\_\_ Time Sent: \_\_\_\_\_ Hard Copy to Follow: \_\_\_\_\_

Sender: \_\_\_\_\_ Hard Copy WILL NOT Follow: \_\_\_\_\_

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## Fax Call Report

1

U.S. EPA R8 (6251mr)  
303-312-7519  
2007-Feb-06 10:14 AM

Job	Date/Time	Type	Identification	Duration	Pages	Result
85	2007-Feb-06 10:13 AM	Send	913128612200	1:03	4	Success